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lawful for any city to tax any one selling their farm produce outside the market square, is qualifiedly amended by Act Feb. 9, 1898 (Laws 1897-98, c. 257), amending the charter of the city of Roanoke, so as to allow a curb tax in that city.

[Ed. Note.—For other cases, see Licenses, Cent. Dig. §§ 16, 17; Dec. Dig. § 8.* 9 Va.-W. Va. Enc. Dig. 312; 14 Va.-W. Va. Enc. Dig. 652; 15 Va.-W. Va. Enc. Dig. 609.]

2. Licenses (§ 8*)—Markets—Curb Tax.—Acts 1902-3-4, cc. 269, 566 (Code 1904, §§ 1013a-1048), amending and repealing in part chapter 44 of the Code in relation to cities and towns, do not repeal by implication amendment of Roanoke City Charter, § 23, by Act Feb. 9, 1898 (Laws 1897-98, c. 257), relating to markets, curb taxes, etc., since chapters 269 and 566 both declare that nothing in either shall repeal any charter provision, unless expressly referred to.

[Ed. Note.—For other cases, see Licenses, Cent. Dig. §§ 16, 17; Dec. Dig. § 8.* 9 Va.-W. Va. Enc. Dig. 312; 14 Va.-W. Va. Enc. Dig. 652; 15 Va.-W. Va. Enc. Dig. 609.]

Error to Corporation Court of Roanoke.

J. W. Chambers was fined for violating an ordinance of the City of Roanoke by the police justice. The corporation court affirmed the judgment of the police justice, and the defendant brings error. Affirmed.

S. Hamilton Graves, of Roanoke, for defendant in error.

BRAGG *v.* TINKLING LAND & IMPROVEMENT Co., Inc., et al.

June 12, 1913.

[78 S. E. 541.]

Dower (§ 76*)—Admeasurement—Parties.—Where, in a suit for admeasurement of dower out of land which had been conveyed in the lifetime of complainant's husband without her jointure, she admitted that her husband died seized of sufficient lands to satisfy her dower rights, which lands were in the possession of his heirs, it was error to dismiss the bill, which stated a prima facie case entitling complainant to dower, but the court should have required that the heirs be made parties and then determine whether complainant was entitled to dower out of the lands sought or those of which her husband died seized.

[Ed. Note.—For other cases, see Dower, Cent. Dig. §§ 267-276, Dec. Dig. § 76.* 4 Va. W. Va. Enc. Dig. 818; 14 Va.-W. Va. Enc. Dig. 256; 15 Va.-W. Va. Enc. Dig. 311.]

Appeal from Circuit Court, Lunenburg County.

Suit by the widow of W. J. Bragg to obtain dower out of cer-

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.

tain lands owned by her husband in his lifetime. From a decree denying the relief sought, complainant appeals. Reversed and remanded.

Geo. E. Allen, of Lunenburg, and *R. Grayson Dashiell*, of Richmond, for appellant.

Turnbull & Turnbull, of Lawrenceville, *Thorp & Thorp*, of Norfolk, and *McNeill, Hudgins & Ozlin*, of Richmond, for appellee.

UNITED STATES *v.* WILLIAM R. TRIGG CO.

June 13, 1912. On Rehearing, June 12, 1913.

[78 S. E. 542.]

1. Judgment (§ 744*)—Conclusiveness.—A judgment deciding that supply lien creditors were entitled to priority over contractual liens of the United States against vessels, not because the government failed to record its liens, but because the contracts contemplated that the government liens should be inferior, is not *res judicata* of the question whether such liens are invalid because not recorded.

[Ed. Note.—For other cases, see Judgment, Cent. Dig. §§-1278-1281; Dec. Dig. § 744.* 6 Va.-W. Va. Enc. Dig. 341; 14 Va.-W. Va. Enc. Dig. 466; 15 Va.-W. Va. Enc. Dig. 419.]

2. United States (§ 76*)—Priorities—Vessels—Liens—Record—Necessity.—The United States need not comply with state registry laws in order to obtain priority under contractual liens against vessels under construction for the government, on account of advances, to obtain priority over the contractor's general creditors.

[Ed. Note.—For other cases, see United States, Cent. Dig. § 59; Dec. Dig. § 76.* 13 Va.-W. Va. Enc. Dig. 398.]

Appeal from Chancery Court of Richmond.

Insolvency proceedings against the William R. Trigg Company. From a judgment denying the United States a preference over general creditors, the United States appeals. Reversed.

L. L. Lewis, of Richmond, for the United States.

Munford, Hunton, Williams & Anderson, of Richmond, *A. T. C. Gordon*, of Pittsburgh, Pa., and *Jordan Leake*, of Richmond, for appellee.

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.